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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,122	01/13/2004	Wai-Fan Yau	AMAT/2592.C7/DSM/LOW K/JW	4554
44257	7590	05/12/2006	EXAMINER MALDONADO, JULIO J	
PATTERSON & SHERIDAN, LLP 3040 POST OAK BOULEVARD, SUITE 1500 HOUSTON, TX 77056			ART UNIT 2823	
PAPER NUMBER				

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/756,122

Applicant(s)

YAU ET AL.

Examiner

Julio J. Maldonado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13,15-18 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13,15-18,21 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang et al. (U.S. 5,817,572) in view of Sugahara et al. (U.S. 5,989,998).

Chiang et al. (Figs.15-25) teach a method of forming interconnect structures including providing a substrate (320) having a contact (321) formed therein; depositing a first dielectric layer (322) on said substrate; forming an etch stop layer (323) on said first dielectric layer (322); forming a second dielectric layer (350) on said etch stop layer (323); forming a photoresist layer (352) on said second dielectric layer (350); and using said photoresist layer to form a contact hole (351) in said second dielectric layer (350), wherein said first dielectric layer (322) and said second dielectric layer (350) may include any suitable dielectric material or materials including silicon dioxide, silicon nitride, silicon oxynitride, phosphosilicate glass, borophosphosilicate glass, fluoropolymer, parylene, polyimide, any suitable spin-on glass, or any suitable spin-on polymer, and further forming a third dielectric layer (395) over said second dielectric layer (column 13, line 27 – column 16, line 9).

Chiang et al. fail to expressly teach using a low dielectric constant material. However, parylene, polyimide, for example, are known low dielectric constant materials. Therefore, Chiang et al. teach upon the claimed invention.

Chiang et al. fail to teach wherein the low dielectric constant material is a an oxidized organosilane layer, wherein said organosilane layer is deposited in a plasma enhanced process from a mixture comprising an organosilane compound and an oxidizing gas and wherein the carbon content of the low dielectric constant oxidized organosilane layer is form 1% to 50% by atomic weight.

However, Sugahara et al. (Figs.3a-d) teach a method of depositing on a substrate (200) a plurality of layers (202-204), wherein one or more of the layers (202, 204) is a low dielectric constant oxidized organosilane layer comprising carbon, wherein the low dielectric constant oxidized organosilane layer is deposited in a plasma enhanced process from a mixture comprising an organosilane compound an oxidizing gas, wherein said organosilane compound is selected from a phenylsilane group or a vinylsilane group; and etching said one or more of said layers in a patterning process, wherein the carbon content of said oxidized organosilane layer is, for example, 25.7% (first embodiment, chemical formula 2) or 22.2% (ninth embodiment, chemical formula 15) (Sugahara et al., column 7, line 66 – column 8, line 8, line 34, column 8, line 58 – column 11, line 53 and column 18, line 25 – column 21, line 53).

Sugahara et al. fail to expressly teach wherein said oxidized organosilane layer has a carbon content from 1% to 50%. However, in the case where the claimed ranges “overlap or lie inside ranges disclosed by the prior art” a prima facie case of

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obviousness exists. MPEP 2144.05. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the dielectric layer with the carbon concentration disclosed in the teachings of Sugahara et al. to arrive at the claimed invention.

It would also have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chiang et al. and Sugahara et al. to enable forming the SOG layer in Chiang et al. as taught by Sugahara et al. for the further advantage of forming a film with improved film formability, cost efficiency (Sugahara et al., column 3, lines 25 – 30).

3. Claims 15-21 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang et al. (U.S. 5,817,572) in view of Matsuura (U.S. 6,124,641) and Shu et al. (U.S. 6,348,421 B1).

Chiang et al. (Figs.15-25) teach a method of forming interconnect structures including providing a substrate (320) having a contact (321) formed therein; depositing a first dielectric layer (322) on said substrate; forming an etch stop layer (323) made of silicon nitride on said first dielectric layer (322); forming a second dielectric layer (350) on said etch stop layer (323); forming a second etch stop layer (390) made of silicon nitride; forming a photoresist layer (352) on said second dielectric layer (350); and using said photoresist layer to form a contact hole (351) in said second dielectric layer (350), wherein said first dielectric layer (322) and said second dielectric layer (350) may include any suitable dielectric material or materials including silicon dioxide, silicon nitride, silicon oxynitride, phosphosilicate glass, borophosphosilicate glass,

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fluoropolymer, parylene, polyimide, any suitable spin-on glass, or any suitable spin-on polymer, and further forming a third dielectric layer (395) over said second dielectric layer (column 13, line 27 – column 16, line 9).

Chiang et al. fail to expressly teach using a low dielectric constant material. However, parylene, polyimide, for example, are known low dielectric constant materials. Therefore, Chiang et al. teach upon the claimed invention.

Chiang et al. fail to teach wherein the low dielectric constant organosilane layer is deposited in a plasma enhanced process from a mixture comprising a methylsilane compound and an oxidizing gas, the carbon content of the low dielectric constant oxidized organosilane layer is from 1% to 50% by atomic weight.

However, Matsuura (Figs.1a-4) teaches a method of forming an interconnect layer including forming a low dielectric constant layer (4), wherein the low dielectric constant layer (4) is deposited a chemical vapor deposition process comprising methylsilane and/or dimethylsilane and an oxidizing gas, and wherein the carbon content of the low dielectric constant layer is about 19% by atomic weight (First embodiment, Fig.2) (Matsuura, column 4, line 17 – column 6, line 65).

Matsuura fails to teach wherein the carbon content of the low dielectric layer is between 1% by atomic weight to 50% by atomic weight. However, in the case where the claimed ranges “overlap or lie inside ranges disclosed by the prior art” a prima facie case of obviousness exists. MPEP 2144.05. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use to form the layer having said carbon atomic percentage to arrive at the claimed invention.

It would also have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chiang et al. and Matsuura to enable using the dielectric layer of Matsuura in Chiang et al., for the further advantage of preventing forming a poisoned via in a resulting insulating film (Matsuura, column 2, lines 57 – 64).

The combined teachings of Chiang et al. and Matsuura fail to teach wherein said oxide layer is formed in a plasma process using methylsilane (SiCH_3H_3) and O_2 or N_2O . However, Shu et al. teach a conventional method of forming a dielectric layer including forming an oxide layer using a gas mixture that include SiH_4 or SiCH_3H_3 as a source of silicon and O_2 and N_2O as a source of oxygen, and forming includes CVD or high density plasma chemical vapor deposition (HDP-CVD) (Shu et al., column 1, line 31 – column 2, line 17).

Although not taught as a preferred embodiment, Shu et al. teaches this embodiment nonetheless, and disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. In re Susi, 169 USPQ 423 (CCPA 1971). "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989). Even a teaching away from a claimed invention does not render the

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invention patentable. See *Celeritas Technologies Ltd. v. Rockwell International Corp.*, 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23 (Fed. Cir. 1998), where the court held that the prior art anticipated the claims even though it taught away from the claimed invention. "The fact that a modem with a single carrier data signal is shown to be less than optimal does not vitiate the fact that it is disclosed." To further clarify, a prior art opinion that a claimed invention is not preferred for a particular limited purpose, does not preclude utility of the invention for that or another purpose, or even preferability of the invention for another purpose.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chiang et al. and Matsuura with Shu et al. to enable forming the oxide layer in Chiang et al. and Matsuura according to the teachings of Shi et al., since this is a conventional method of forming oxide layers (Shu et al., column 1, line 31 – column 2, line 17).

Allowable Subject Matter

4. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Applicants are encouraged, where appropriate, to check Patent Application Information Retrieval (PAIR) (<http://portal.uspto.gov/external/portal/pair>) which provides applicants direct secure access to their own patent application status information, as well as to general patent information publicly available.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Julio J. Maldonado whose telephone number is (571) 272-1864. The examiner can normally be reached on Monday through Friday.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith, can be reached on (571) 272-1907. The fax number for this group is 571-273-8300. Updates can be found at <http://www.uspto.gov/web/info/2800.htm>.



Julio J. Maldonado
May 5, 2006

Julio J. Maldonado
Patent Examiner
Art Unit 2823



George Fourson
Primary Examiner